REMARKS

Claims 17-20, 22, 23, 25-32 and 35 were examined and reported in the Office Action. Claims 17-20, 22, 23, 25-32 and 35 are rejected. Claims 17, 25 and 31 are amended. New claims 36-38 are added. Claims 17-20, 22, 23, 25-32 and 35-38 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §103(a)

It is asserted in the Office Action that claims 17-20, 22-23, 25-32 and 35 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,771,639 issued to Holden ("Holden") in view of U.S. Patent No. 6,832,388 issued to Du Val ("Du Val").. Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

> "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." "*All words in a claim must be considered* in judging the patentability of that claim against the prior art." (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Holden discloses announcement information in requests to establish interactive call sessions. The announcement information includes identification information of the calling system or calling party, such as telephone number, electronic mail address, or URL. Holden, however, does not teach, disclose or suggest a metadata announcement, which includes a metadata attribute and a metadata parameter where the metadata contains information of future television programs.

Du Val discloses a system where a computer is used in conjunction with a television to obtain information from the Internet pertaining to a currently viewed program. Du Val, however, does not teach, disclose or suggest a metadata announcement, which includes a metadata attribute and a metadata parameter where the metadata contains information of future television programs.

Therefore, even if Holden and Du Val were combined, the resulting invention would still not deal with announcing metadata where the metadata contains information regarding future programs and the announcement contains a metadata attribute and a metadata parameter.

Since neither Holden, Du Val, and therefore, nor the combination of the two teach, disclose or suggest all the limitations of Applicant's amended claims 17, 25 and 31, as listed above, Applicant's amended claims 17, 25 and 31 are not obvious over Holden in view of Du Val since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from amended claims 17, 25 and 31, namely claims 18-20, 22-23 and 36, 26-30 and 37, and 32, 35 and 38, respectively, would also not be obvious over Holden in view of Du Val for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 17-20, 22-23, 25-32 and 35 is respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 17-20, 22-23, 25-32 and 35-38 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: September 12, 2006

By: _____
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 12, 2006.

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Jean Svoboda